



Assembly Bill 281
Amber Meyer Smith, Clean Wisconsin Program Director
Senate Committee on Environment
September 10, 2009

Clean Wisconsin is a statewide environmental organization founded as Wisconsin's Environmental Decade with 10,000 members across the state. We focus on clean air, clean energy and clean water issues, and will celebrate our 40th anniversary in 2010.

I'd first like to thank this committee for its unanimous vote and expeditious action on Assembly Bill 3 to limit the use of lawn fertilizers containing phosphorus. The passage of that bill was a step forward to cleaning up our waterways, and Assembly Bill 281 is another step in that direction.

You've all heard about the effects of too much phosphorus in our waterways. In addition to creating a smelly eyesore, algae caused by excess phosphorus in the lakes can choke the waterway and kill plants and fish. Choking out the natural ecosystem also promotes the spread of invasive species.

Twelve other states, including most surrounding states that treasure their lakes and rivers like we do here in Wisconsin, have already enacted restrictions. AB 281 wisely includes a delayed effective date of July 1, 2010 to give stores necessary time to sell existing stocks, and has gained the support of the Soap and Detergent Association. Those who use phosphate-free dishwasher detergents report dishes are as clean as ever, so there is no negative impact.

Clean Wisconsin is also working at the rule-making level to strengthen phosphorus discharges from point sources, and this bill will serve as a helpful way to get more phosphorus out of the water being sent to wastewater treatment plants. Simple efforts like controlling phosphorus content in household dishwashing detergent will make it easier for those plants to meet more stringent phosphorus water quality standards when they are enacted.

As with most pollution efforts, awareness is the key. People want to do the right thing. Until Representative Black highlighted the issue, I had never taken a close look at the soap we use in our machine at home. Sure enough, it contains 4.5% phosphorus. I was unwittingly contributing to the problem, and now that I am aware of it I will make alternate selections.

Wisconsin citizens are conscientious and value our waterways. Everyone needs to be part of the solution in addressing the negative impacts to our waterways. The largest remaining sources of phosphorus entering our waterways are from agricultural and urban runoff sources, so addressing phosphorus for unnecessary uses is a step in the right direction.



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The Soap and Detergent Association

Statement in Support

Assembly Bill 281

Restriction on the Amount of Phosphorus in Certain Cleaning Products

Senate Committee on Environment

300 Southeast
State Capitol
Madison, Wisconsin

September 10, 2009

Submitted By

Dennis Griesing, Vice President Government Affairs

The Soap and Detergent Association (SDA) is a national trade association representing the formulators of household, commercial and institutional cleaning products and the suppliers of ingredients and packaging to those formulators.

The SDA fully supports Assembly Bill 281. The amendments proposed will align Wisconsin law with that of fifteen states which have already passed the legislation with SDA's support. (See attachment).

I want to begin by expressing the industry's appreciation to the sponsors of Assembly 281 for conforming the legislation to the precedents of the fifteen other states. This uniformity is critically important to the industry as it moves to redeem its pledge of a national conversion of household ADD phosphorus levels by July 1, 2010, a date now less than eleven months away. The conversion is also being undertaken in Canada, a factor which makes uniformity even more important from a commercial perspective.

The first examples of the new products from large formulators have begun to enter the market.

Background

In January, 2006, SDA and its members reached an agreement with the Washington State Legislature to limit the amount of phosphorus in ADDs for home use to 0.5%, the so-called "trace element," effective July 1, 2010. Only Spokane County insisted that it be allowed to enforce the new standard effective July 1, 2008.

2.

Since 2006, ADD formulators have been conducting the research and development for the new products, readjusting manufacturing facilities, realigning their ingredient supply chains and planning for the exchange of new product for old at the retail level to ensure as seamless a transition as possible.



Legislative Landscape: Phosphate Ban in Household Automatic Dishwashing Detergents

August 4, 2009

Statutes (15)

The following states all have an effective date of July 1, 2010 for a reduction in the use of phosphorus in household automatic dishwashing detergents to a maximum of 0.5% by weight. Commercial dishwashing is not affected.

1. **ILLINOIS (SB376)** – Governor Blagojevich signed the bill into law on August 13, 2007.
2. **INDIANA (HB 1120)** – The SDA model including the July 1, 2010 effective date was signed by the governor on March 3, 2008.
3. **MARYLAND (SB766 & HB1131)** – The original bill was signed into law on Tuesday, April 24, 2007. Legislation extending the effective date to July 1, 2010 was signed into law on May 13, 2008.
4. **MASSACHUSETTS (SB536)** – SDA model was signed into law on February 21, 2008.
5. **MICHIGAN (Substitute 2 for SB152)** – Governor Granholm signed the SDA model into law on January 6, 2009.
6. **MINNESOTA (Original bills SF1109 / HF1382; Omnibus SF1312)** – Governor Pawlenty signed the bill into law on May 25, 2007.
7. **MONTANA (SB 200)** – Signed into law April 16, 2009.
8. **NEW HAMPSHIRE** – Bill was signed into law on July 30, 2009.
9. **OHIO (SB214)** – The bill contains the **July 1, 2010** effective date. The bill was signed on June 3, 2008.
10. **OREGON** – The legislation incorporating the SDA model, SB 631a, was signed into law on June 11, 2009.
11. **PENNSYLVANIA (SB1017)** – The bill was signed into law on May 13, 2008.
12. **UTAH (H.B 303)** – The legislation was signed into law on March 14, 2008.
13. **VERMONT (SB137)** – Governor Douglas signed the bill into law on May 16, 2007.
14. **VIRGINIA (HB233)** – The bill was signed into law on February 22, 2008.

15. **WASHINGTON STATE (HB2263)** – The bill was signed into law March 27, 2006.

Vetoed (1)

CALIFORNIA (SB 1230) carried an effective date of **July 1, 2010**. It was vetoed by the Governor, at the end of the session, despite industry's support.

Wisconsin Wildlife Federation

Wisconsin Wildlife Federation Testimony in Support of Assembly Bill 281

Chairman Miller and members of the Senate Environment Committee. My name is George Meyer and I am representing the Wisconsin Wildlife Federation and the 168 hunting, fishing, trapping and forestry related organizations the comprise the Federation. Thank you for the opportunity to testify here today in support of Assembly Bill 281 restricting the amount of phosphorus in machine dishwashing detergents.

Phosphorus discharges into our lakes and streams lead to increased fertilization of our lakes, the growth of undesirable aquatic plants and the substantial degradation of Wisconsin's extremely valuable fish and wildlife habitat. Our members have seen the continued degradation of water quality and increased undesirable plant growth over the last forty years.

As avid anglers and other recreational uses of our lakes and streams, Federation members have strongly supported efforts to reduce the presence of phosphorus into our waterways. This has included the ban on phosphorus in laundry detergents over thirty years ago, the ban on phosphorus in most lawn fertilizers passed just months ago and being strong advocates for increased cost-sharing funds for farmers to reduce nonpoint runoff containing phosphorus from barnyards and fields.

Our counterpart organizations in Indiana and Michigan, the Indiana Wildlife Federation and the Michigan United Conservation Clubs have led successful efforts in their states recently to pass bills like AB 281. This bill has strong support of sportsmen and women and the dishwashing detergent industry across the country. Our motto should be, if Indiana can, Wisconsin can.

It is far easier to prevent major water pollutants like phosphorus from getting into our waterways than trying to clean up our lakes and streams that have become seriously degraded by the impacts of excessive phosphorus loading.

On behalf of Wisconsin's sportsmen and women, please vote for AB 281

Thank you again for the opportunity to testify here today.

Submitted by:
George Meyer
Executive Director

September 10, 2009



Preserving The Environment •
Improving Water Quality

Kevin L. Shafer, P.E.
Executive Director

September 9, 2009

Senator Mark Miller
Chairman, Senate Committee on Environment
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Re: Assembly Bill 281 (phosphorus in certain cleaning agents)

Dear Chairman Miller and members of the Senate Committee on Environment:

I am writing in support of Assembly Bill 281, which seeks to reduce the amount of phosphorus in dishwashing detergent.

The Milwaukee Metropolitan Sewerage District (MMSD) is a regional government agency that provides water reclamation and flood management services for about 1.1 million customers in 28 communities in the Greater Milwaukee Area.

Milwaukee's beaches, like those of most other communities around the Great Lakes, suffer from algae blooms during the summer. We have some great beaches that attract huge crowds of people throughout the summer to enjoy volleyball and soccer tournaments, music, and food. Unfortunately, the increased amount of cladophera algae that washes up to the shore every summer prevents people from fully enjoying Lake Michigan. Cladophera stinks when it washes up and rots on the shore, and it is unpleasant in which to swim.

According to research conducted by the UW-Milwaukee Great Lakes WATER Institute, the causes of the increased amount of algae are a number of factors, including the abundance of nutrients (like phosphorus) in Lake Michigan and the introduction and spread of invasive species, namely zebra mussels and quagga mussels.

Recent scientific studies show that our best strategy to reduce algae blooms is to starve the lake of phosphorus, which is needed by the algae to thrive. That is why MMSD supports this piece of legislation. By lowering the phosphorous concentration of dishwashing detergents, Assembly Bill 281 offers a cost effective approach to reduce the amount of phosphorus entering wastewater treatment plants and waterways.

milwaukee metropolitan sewerage district

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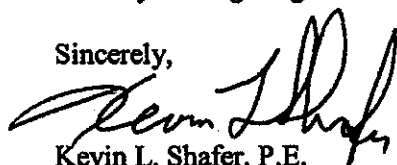
Senator Mark Miller & Senate Committee on Environment
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The wastewater that our facilities receive contains about 3 to 5 milligrams per liter of phosphorus. Our Wisconsin Department of Natural Resources (WDNR) permit currently requires our facilities to reduce this concentration in our effluent to less than 1 milligram per liter. The WDNR is considering new rules to lower the current permit standard for point source discharges of phosphorus even more, including wastewater effluent from publicly owned treatment plants. While we do not yet know what these new standards will be or how they will be applied to our water reclamation facilities, it is safe to say that further reductions of phosphorus beyond those we already achieve would be very costly, on the order of \$500 million.

It is always cheaper to prevent pollution at the source rather than deal with it downstream. That is why, before investing in expensive facility upgrades, we should evaluate and implement more cost effective approaches, like AB 281, that protect the pocketbooks of our ratepayers and the health of our waterways.

Thank you for giving me the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin L. Shafer", written over the printed name.

Kevin L. Shafer, P.E.
Executive Director

North American Lake Management Society

Assembly Bill 281
Senate Committee on Environment
Richard Wedepohl and Harry Gibbons
North American Lake Management Society
September 10, 2009

Mr. Chairman and Committee Members:

Good morning. As the Past President and Current President of the North American Lake Management Society, we very much appreciate the opportunity to provide testimony in support of Assembly Bill 281.

The North American Lake Management Society is an international organization of scientists, lake professionals and citizens, all who have interests in protecting and improving lake resources. NALMS was first formed in 1980 and has its headquarters located here in Madison.

Over a dozen states have already acted to limit the amount of phosphorus used in automatic dishwasher detergents. In recognition of these actions the soap and detergent industry has moved to develop new formulations of automatic dishwasher detergents to meet these requirements, formulations which are currently available.

Although Assembly Bill 281 won't result, by itself, with dramatic water quality improvements, it still provides many benefits and is a bill that deserves the support it is getting. It is a step in the right direction.

Thank you for the opportunity to provide this testimony.

Sincerely,



Richard Wedepohl, Past NALMS President Harry Gibbons, Current NALMS President



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TO: Senate Committee on Environment
Attention: Senator Mark Miller (Chair)

FROM: Paul G. Kent and Julie M. Baldwin
On behalf of Municipal Environmental Group -- Wastewater Division.

DATE: September 10, 2009

RE: AB 281 Phosphorus Cleaning Agents

I am writing today on behalf of the Municipal Environmental Group -- Wastewater Division. MEG Wastewater is comprised of over 90 communities statewide that own and operate municipal wastewater facilities. We regularly participate on DNR advisory committees and are currently a participant on the Phosphorus Advisory Committee. We are writing today in support of 2009 Assembly Bill 281 (AB 281), a bill restricting the sale of certain cleaning products, most notably household machine dishwashing detergent, which contain more than 0.5% phosphorus.

We agree that it is important to reduce the phosphorus load that is making its way to the waters of the state. In fact, wastewater treatment facilities statewide have already reduced phosphorus in their effluent by an average of over ninety (90) percent. For municipalities to further reduce the phosphorus in their effluent through treatment at municipal treatment facilities is likely to cost taxpayers hundreds of millions to billions of dollars statewide, depending on the level of reduction required. Measures made to reduce the influent load to treatment facilities, as well as those that address nonpoint sources, are a far more cost effective means of reducing the phosphorus load to the waters of the state. For these reasons, we support the proposed bill.

Please feel free to contact me if you have any questions on this matter.